

REMARKS

In the January 24, 2006 Office Action, claims 3, 5, 6, 10, and 14 were objected to and claims 1-20 stand rejected in view of prior art. In the January 24, 2006 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the January 24, 2006 Office Action, Applicants have amended claims 1, 3, 5, 6, 10, 11, and 14 as indicated above. Further, Applicants respectfully traverse the rejections of claim 11 and all the rejections based on WO 02/0932273 (Seyr), and have included comments to support the traversal. Further, Applicants have amended claims 4 and 17 to correct form and/or typographical errors. Thus, claims 1-20 are pending, with claims 1 and 11 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Claim Objections

In item 1 of the Office Action, claims 3, 5, 6, 10, and 14 were objected to because of informalities. In response, Applicants have amended the aforementioned claims.

Specifically, in claim 3, "enter position" was amended to recite -- center position --, in claim 6, "a12:00" to -- a 12:00 --, in claim 14, "second chronograph" to -- seconds chronograph --, and in claims 5 and 10, "said rotating shaft" to -- the pointer rotating shaft --.

Applicants believe that the claims are now correct. Withdrawal of the objections is respectfully requested.

Rejections - 35 U.S.C. § 102

In items 3-7 of the Office Action, claims 1, 5, 10, and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,724,317 (Kubota et al.). In items 9-

11 of the Office Action, claims 1-2 stand rejected under 35 U.S.C. §102(e) as being anticipated by International Patent Application Publication WO 02/093273 (Seyr). In response, Applicants have amended independent claim 1 to clearly define the present invention over the prior art of record, and respectfully traverse the rejections of claim 11, and all the rejections based on Seyr, and have included comments to support the traversal.

Comments with Regards to Kubota et al.

Claim 1 has been amended to recite that the pointer rotating shaft is disposed at a position eccentric from the center of the time display section and different from the hour hand and minute hand rotating shafts. As seen in Figure 1 of Kubota et al., Kubota et al. disclose a pointer rotating shaft being arranged in the center of the time display section in contrast to recitation of amended claim 1 of the present application.

Claim 11 recites that the second pointer is configured to be capable of rotating only within a specific angular range. Further, claim 11 recites a dimension D from the second pointer rotating shaft to a tip of the second pointer is shorter than the dimension A. As seen in Figure 1 of Kubota et al., Kubota et al. disclose a second pointer 16 that rotates. Referring to column 11, line 37 and Figure 1 of Kubota et al., Kubota et al. describe this pointer 16 as a second hand. Applicants respectfully assert that this pointer 16 is designed to rotate indefinitely. The Office Action indicates that 360 degrees is a specific angle. However, Applicants respectfully assert that the pointer 16 disclosed by Kubota et al. is configured to rotate indefinitely, beyond 360 degrees, 720 degrees, 1440 degrees, etc., and not within a specific angular range as recited by claim 11 of the present application. Thus, Applicant respectfully asserts that Kubota et al. do not disclose a second pointer that rotates only within a specific angular range according to the dimensions recited in claim 11 of the present application.

International Patent Application Publication WO 02/093273 (Seyr)

Applicants respectfully assert that Seyr does not qualify as prior art under 102(e). Applicants respectfully assert that Seyr was filed after November 29, 2000 and published in German. MPEP 706.02(f)(1)II Example 5 (page 700-34 of MPEP) clearly states "[a]ll references, whether the WIPO publication, the U.S. patent application publication or the U.S. patent, of an international application (IA) that was filed on or after November 29, 2000 but was not published in English under PCT Article 21(2) have ***no 35 U.S.C. § 102(e) prior art date at all***" (emphasis added). Accordingly, Seyr has no 35 U.S.C. §102(e) date.

Clearly, the recited structure is ***not*** disclosed or suggested by Kubota et al. or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claim 1, as now amended, and claim 11 are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claims 5 and 10 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

In items 13-19 of the Office Action, claims 14-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,724,317 (Kubota et al.). In items 20-31 of the Office Action, claims 3-13 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over U.S. Patent No. 5,724,317 (Kubota et al.). Further, in items 32-34 of the Office Action, claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,724,317 (Kubota et al.) in view of U.S. Patent No. 3,901,020 (Capt et al.). In response, Applicants have amended independent claim 1 and respectfully traverse the all the rejections based on Seyr, and have included comments to support the traversal.

Claim 1 has been amended to recite that the pointer rotating shaft is disposed at a position eccentric from the center of the time display section and different from the hour hand and minute hand rotating shafts. As seen in Figure 1 of Kubota et al., Kubota et al. disclose a pointer rotating shaft being arranged in the center of the time display section in contrast to recitation of amended claim 1 of the present application.

Further, Applicants respectfully assert that Capt et al. are silent with regards to the arrangement of pointers as recited in claim 1 of the present application.

Moreover, Applicants respectfully assert that Seyr does not qualify as prior art under 35 U.S.C. §102(a) or §102(e) as stated above.

Clearly this arrangement is *not* disclosed or suggested by the prior art of record alone or in combination. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a timepiece.

Moreover, Applicants believe that the dependent claims are also allowable over the prior art of record in that they depend from independent claims 1 and 11, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art

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of record does not disclose or suggest the invention as set forth in independent claims 1 and 11, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.


Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-20 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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